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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 DANNY OSMER, JOSHUA OSMER, AND  
12 ESTELLE GIANGROSSO,

13                  Plaintiffs,

14                  v.  
15 JEFFERSON COUNTY AND HYRAM  
16 GODSEY,

17                  Defendants.

18                  Case No. C04-5739FDB

19                  ORDER GRANTING PLAINTIFFS'  
20 MOTION FOR RECONSIDERATION

21         Plaintiffs move for reconsideration of the Court's Order granting summary judgment on  
22 statute of limitations grounds, applying, in this Section 1983 action, the Washington statute of  
23 limitations most analogous to the causes of action herein (excessive force, false arrest, and false  
24 imprisonment), *i.e.*, RCW 4.16.100(1), which provides a two-year statute of limitations for  
25 "actions[s] for libel slander, assault, assault and battery, or false imprisonment." Plaintiff has pointed  
26 out, however, that the most analogous is not always the most appropriate in view of the  
considerations that came to bear in *Wilson v. Garcia*, 471 U.S. 261, 105 S. Ct. 1938 (1985): "...  
practical considerations help to explain why a simple, broad characterization of all § 1983 claims best  
fits the statute's remedial purpose." *Id.* at 272, 105 S. Ct. at 1945. (*But see* dissent *id.* at 105 S. Ct.

27 ORDER - 1

1 1949-53.) Accordingly, Washington's three-year statute of limitations governing personal injury  
2 actions generally must apply in this case.

3 NOW, THEREFORE, IT IS ORDERED:

- 4 1. Plaintiffs' Motion for Reconsideration is GRANTED,  
5 2. The Court's Order granting Defendants' Motion for Summary Judgment [Dkt. # 21]  
6 and the Judgment [Dkt. # 22] are VACATED, and this cause of action is reinstated.

7 DATED this 24<sup>th</sup> day of August, 2005.



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9 FRANKLIN D. BURGESS  
10 UNITED STATES DISTRICT JUDGE  
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